

AN ACT

relating to telecommunications services and markets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 52.007, Utilities Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1) The commission may not require a nondominant carrier to obtain advance approval for a filing with the commission or a posting on the nondominant carrier's Internet website that adds, modifies, withdraws, or grandfathers a retail service or the service's rates, terms, or conditions.

(d-2) In this subsection, "deregulated company" and "transitioning company" have the meanings assigned by Section 65.002. The commission may not require a deregulated company or transitioning company to obtain advance approval for a filing with the commission or a posting on the company's Internet website that adds, modifies, withdraws, or grandfathers:

(1) a nonbasic retail service or the service's rates, terms, or conditions; or

(2) for a market that has been deregulated, a basic network service or the service's rates, terms, or conditions.

(d-3) Unless an interconnection agreement contract specifies otherwise, an incumbent local exchange carrier shall continue to provide to affected resellers of retail services the same notice of rate changes or withdrawal of detariffed services

1 that it was required to provide prior to detariffing.

2 SECTION 2. Section 52.154, Utilities Code, is amended to
3 read as follows:

4 Sec. 52.154. COMMISSION MAY NOT OVERBURDEN. The commission
5 may not, by a rule or regulatory practice adopted under this
6 chapter, impose on a nondominant telecommunications utility a
7 greater regulatory burden than is imposed on:

8 (1) a holder of a certificate of convenience and
9 necessity serving the same area; or

10 (2) a deregulated company, as defined by Section
11 65.002, that:

12 (A) has 500,000 or more access lines in service
13 at the time it becomes a deregulated company; or

14 (B) serves an area also served by the nondominant
15 telecommunications utility [~~serving the same area~~].

16 SECTION 3. Subchapter E, Chapter 58, Utilities Code, is
17 amended by adding Section 58.156 to read as follows:

18 Sec. 58.156. REGULATION OF SERVICES. Sections 55.001,
19 55.002, 55.003, and 55.004 do not apply to retail nonbasic services
20 offered by an electing company or by a transitioning company, as
21 defined by Section 65.002.

22 SECTION 4. Section 65.101, Utilities Code, is amended by
23 adding Subsection (c) to read as follows:

24 (c) A deregulated company that holds a certificate of
25 operating authority is a nondominant carrier.

26 SECTION 5. Section 65.102, Utilities Code, is amended to
27 read as follows:

Sec. 65.102. REQUIREMENTS. (a) A deregulated company that holds a certificate of operating authority issued under this subchapter[+]

~~[(1) is a nondominant carrier governed in the same manner as a holder of a certificate of operating authority issued under Chapter 54,~~

~~[(2)]~~ is not required to:

(1) ~~[(A)]~~ fulfill the obligations of a provider of last resort;

(2) ~~[(B)]~~ comply with retail quality of service standards or reporting requirements;

(3) ~~[(C)]~~ file an earnings report with the commission unless the company is receiving support from the Texas High Cost Universal Service Plan; or

(4) ~~[(D)]~~ comply with a pricing requirement other than a requirement prescribed by this subchapter[, and

~~[(3) is subject to the following provisions in the same manner as an incumbent local exchange company that is not deregulated.~~

~~[(A) Sections 54.156, 54.158, and 54.159,~~

~~[(B) Section 55.012, and~~

~~[(C) Chapter 60].~~

(b) Notwithstanding any other provision of this title, the commission has only the authority provided by this section over a deregulated company that holds a certificate of operating authority issued under this subchapter. Subject to Subsection (c), the following provisions apply to a deregulated company and may be

enforced by the commission using the remedies provided by Subchapter B, Chapter 15, and Subsection (d):

(1) Subchapter A, Chapter 15;

(2) Subchapters A, C, and D, Chapter 17, as applicable to carriers holding a certificate of operating authority;

(3) Sections 52.007, 52.060, and 52.156;

(4) Sections 54.001, 54.002, 54.003, 54.004, 54.005, 54.006, 54.008(a), 54.101, 54.102, 54.103, 54.105, 54.151, 54.156, 54.158, 54.159, 54.255, 54.256, 54.257, 54.259, 54.260, and 54.261;

(5) Sections 55.010, 55.015, 55.123, 55.133, 55.134, 55.136, and 55.137;

(6) Chapter 56, except Subchapters F and G;

(7) Chapter 60;

(8) Chapter 62;

(9) Subchapter E, Chapter 64;

(10) Sections 65.001, 65.002, 65.003, and 65.004, this subchapter, and Subchapter E of this chapter; and

(11) Chapter 66.

(c) Nothing in this subchapter affects the continuing applicability of the following provisions of this title:

(1) Sections 51.003 and 51.010(c);

(2) Section 52.002(d);

(3) Sections 54.204, 54.205, and 54.206; and

(4) Section 65.051.

(d) The commission may hear complaints of retail and wholesale customers against deregulated companies that are in the scope of the commission's authority provided by this section.

1 ~~[Except as provided by Subsection (c), in each deregulated market,~~
2 ~~a deregulated company shall make available to all residential~~
3 ~~customers uniformly throughout that market the same price, terms,~~
4 ~~and conditions for all basic and non-basic services, consistent~~
5 ~~with any pricing flexibility available to such company.]~~

6 ~~[(c) A deregulated company may offer to an individual~~
7 ~~residential customer a promotional offer that is not available~~
8 ~~uniformly throughout the market if the company makes the offer~~
9 ~~through a medium other than direct mail or mass electronic media and~~
10 ~~the offer is intended to retain or obtain a customer.]~~

11 SECTION 6. Section 55.012, Utilities Code, is repealed.

12 SECTION 7. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 259 passed the Senate on March 13, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 259 passed the House on May 15, 2013, by the following vote: Yeas 145, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor